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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/767,952	0	1/24/2001	Kazunobu Katoh	3709-0101P	2787	
2292	7590	07/16/2002				
BIRCH STEWART KOLASCH & BIRCH				EXAMINER		
PO BOX 747 FALLS CHURCH, VA 22040-0747				CHEA, THORL		
				ART UNIT	PAPER NUMBER	
				1752	/	
				DATE MAILED: 07/16/2002	k.	

Please find below and/or attached an Office communication concerning this application or proceeding.

				H9-6	'n			
		Application	i.N.	Applicant(s)				
_		09/767,952	?	KATOH, KAZUNOBU				
	Offic Acti n Summary	Examiner		Art Unit	_			
		Thori Chea		1752				
- Period fo	- The MAILING DATE of this communica r Reply	ation appears on the	cover sheet with the c	correspondence address				
THE N - Extens after S - If the I - If NO I - Failure - Any re	DRTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICATION OF THIS COMMUNICATION OF THIS FOR THE PROVISION OF THIS FOR THE MAILING BATE OF THIS FOR THE MAILING BATE OF THE MAILING BATE OF THIS FOR THIS FOR THIS FOR THIS FOR THIS FOR THIS FOR THIS PORT OF THIS	ATION. 37 CFR 1.136(a). In no even ication. days, a reply within the statute tory period will apply and will liby statute, cause the applic	t, however, may a reply be tin ory minimum of thirty (30) day expire SIX (6) MONTHS from ation to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1)⊠	Responsive to communication(s) filed	d on <i>April 30, 2002</i> .						
2a)⊠	•	b) This action is r	on-final.					
3)□	Since this application is in condition followed in accordance with the practice	for allowance except ce under <i>Ex parte Qu</i>	for formal matters, p ayle, 1935 C.D. 11, 4	rosecution as to the merits is 453 O.G. 213.				
•	on of Claims		·					
•	Claim(s) <u>1-18</u> is/are pending in the ap							
	la) Of the above claim(s) is/are	withdrawn from con	sideration.					
	Claim(s) is/are allowed.							
•	Claim(s) <u>1-18</u> is/are rejected.							
	Claim(s) is/are objected to.							
, —	Claim(s) are subject to restriction	on and/or election re	quirement.					
• •	on Papers	Eveniner						
, —	The specification is objected to by the backers is the firm is a f		phiected to by the Exa	miner				
10)[1	Applicant may not request that any object							
11)□ T	The proposed drawing correction filed of							
•••	If approved, corrected drawings are requ			•				
12)∏ T	The oath or declaration is objected to b							
•	nder 35 U.S.C. §§ 119 and 120							
•	Acknowledgment is made of a claim fo	or foreign priority und	ler 35 U.S.C. § 119(a	a)-(d) or (f).				
•	☑ All b) ☐ Some * c) ☐ None of:							
•	1.⊠ Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
	 Copies of the certified copies of application from the Internal ee the attached detailed Office action 	tional Bureau (PCT F	Rule 17.2(a)).					
	cknowledgment is made of a claim for							
a)	☐ The translation of the foreign lang cknowledgment is made of a claim for	uage provisional app	olication has been red	ceived.				
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1) Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTC nation Disclosure Statement(s) (PTO-1449) Pap	O-948)		y (PTO-413) Paper No(s) Patent Application (PTO-152)				

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DETAILED ACTION

1. The rejection in paragraph 1 set forth in the previous office action is withdrawn.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toya et al (Toya) in view of Murray and Suzuki.

Toya in column 17 lines 43-63 discloses a heat-developable photographic light-sensitive layer contains at least one light-sensitive layer on a support. The light-sensitive layer may be in a multiplayer form. In order to control the gradation, the light-sensitive layer may have high sensitivity layer/low sensitivity layer structure or low sensitivity layer/high sensitivity layer structure. The heat-developable light-sensitive material comprises reducible silver source, silver halide, reducing agent and binder. Thus, the material taught in Toya is substantially similar to that of the present claimed invention. The electron-transfer is taught in Murray in columns 9-10, compound IS-01 to IS-04; Suzuki in column 36, compounds (3) to (5).

The heat-developable imaging-recording material comprises two layer: a silver-supplying layer containing an organic silver salt, a reducing agent, an organic binder and "substantially no photosensitive silver halide", and a separate layer containing a photosensitive silver halide. The term "substantially no silver halide" in the silver-

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supplying layer does not exclude any silver halide from the a silver-supplying layer and use of the language "containing" in the claimed language "a separate layer containing a photosensitive silver halide" does not exclude organic silver salt and other ingredient from that layer. Thus, imaging layers presented in the claimed invention has structure similar to that of multiplayer form taught in Toya in column 17, lines 55-60. Thus, it would have been obvious to the worker of ordinary skill in the art at the time the invention was made to use a known electron-transfer taught in Murray or Suzuki to enhance the image contrast of a heat-developable material has mutilayer form taught in Toya to provide an invention and process as claimed.

4. Applicant's arguments filed April 30, 2002 have been fully considered but they are not persuasive.

It is the Examiner's position that the claimed invention would have been found prima facie obvious over the combination of the applied prior art of record. Toya in columns 21-22, example 1 may disclose a heat development material containing a single photosensitive layer containing silver halide, light-insensitive organic silver salt, reducing agent and binder, but suggest a multiplayer of photosensitive layer in column 17, lines 55-60. The worker of ordinary skill in the art would have from a heat developable material with multiplayer of light-sensitive layer containing high and low sensitivity of silver halide to provide an material similar to that of the claimed invention.

It was argue that Toya does not discloses or suggest removing silver halide from the aforementioned layer and place in a separate layer containing silver halide, and such modification would destroy the invention of Toya.

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It is the Examiner's position that the language "substantially no photosensitive silver does not mean that "no photosensitive silver halide" with the meaning halide" "removing silver halide" provided in the applicants' argument. The invention presented in claim 16 or page 4 shows that the term "substantially no photosensitive silver halide" means that the amount of the halide used therein is 10 wt% or less. This amount is within the amount of silver halide taught in Example 1 of Toya. Note to the amount of subtance used in the conversion of silver nitrate to silver halide such as "Nbromosuccinimide" which is 9.7 g. This amount is used to produce silver bromide and the silver nitrate of 365 g is used to produce organic silver salt and silver halide. Therefore, the amount of silver halide is relatively in small amount in comparison with to the coated amount. Accordingly, it is still believed that the claimed invention is still prima facie obvious over the combination of the applied prior art of record.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thorl Chea whose telephone number is (703)308-3498. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet C Baxter can be reached on (703)308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9301 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

tchea & M July 12, 2002

Thorl Chea Primary Examiner Art Unit 1752